

A regular meeting of the Bath Planning Board was called on 12-7-04 for the purpose of conducting regular business.

**MEMBERS PRESENT**

Bob Oxtan, Chair  
Jim Harper, Vice Chair  
Robin Haynes  
Richard Klingaman  
Gordon Reed  
James Hopkinson  
Bill Vahey  
Brandon Shaw(non-voting student member)

**MEMBERS ABSENT**

Jonathan Dolloff(non-voting student member)

**STAFF PRESENT**

Jim Upham, Planning Director

Bob Oxtan, Chair, called the meeting to order in the third floor Council Chambers at 6:00 p.m. on Tuesday, December 7, 2004.

**Minutes of November 11, 2004, meeting.**

**JIM HARPER MADE A MOTION SECONDED BY BILL VAHEY, TO APPROVE THE MINUTES OF NOVEMBER 11, 2004 AS WRITTEN.**

**UNANIMOUS APPROVAL****Minutes of November 16, 2004 meeting.**

**GORDON REED MOVED, SECONDED BY BILL VAHEY TO ACCEPT THE MINUTES OF THE NOVEMBER 16, 2004, MEETING AS SUBMITTED.**

**UNANIMOUS APPROVAL****Old Business:**

No old business.

**New Business:****Item 1**

**Request for Site Plan Approval** – filling for the creation of a park; Washington Street (Map 27, part of Lot 142); Bath Iron Works Corporation, applicant.

Bob Oxtan and Jim Harper stated that they are employees of Bath Iron Works but felt that they could be impartial and asked to remain on the Board for consideration of this agenda item.

The Planning Board and applicant were polled and agreed that Bob Oxtan and Jim Harper could consider this agenda item as part of the Planning Board.

The Board review the application to determine if it was a complete application. After some discussion regarding waiving certain submission requirements **ON A MOTION MADE AND SECONDED THE BOARD VOTED TO WAIVE SUBMISSION REQUIREMENTS CONTAINED IN SECTION 12.08, H, AND N, AND VOTED THAT WITH THESE WAIVERS THE APPLICATION IS COMPLETE.**

Bob Herman, representative of the applicant, stated that the applicant was seeking site plan approval to cap the site with two feet of clay. Mr. Herman described the construction phases, the contours, public safety, elevations, input from the Department of Environmental Protection, and grading.

The Planning Board held discussion on the contours, the capping, trees, utilities, the restrictions on the site, elevations, grading, the different sections of the site, and accessibility.

Tom Hoerth, City Arborist, stated that there were only four trees near the edge of Washington Street that have a good potential for survival.

There being no further discussion from the Planning Board, Bob Oxtan opened the floor to members of the public who wished to comment on this agenda item.

Bonnie McDonald, 330 Washington Street, stated that she lived directly across from the site and was disappointed that what was supposed to be a park is just a grassed-over hill. Ms. McDonald asked what the City of Bath's plans were for this park and if consideration had been given to running utilities to this site.

Jim Upham stated that the City had no definite plans at this time other than putting a new deck on the pier and making it safe for public use. Mr. Upham stated that there had been discussions with regard to utilities some time ago but those discussions had not resulted in a plan to run utilities to the site.

There being no further discussion from members of the public present, Bob Oxtan closed the public portion of the meeting.

The Planning Board held discussion on utilities, Department of Environment Protection approval, development of the site into a park, erosion control, traffic routes and times of operations, amount of fill, time for completion, and steps to control and clean up materials that leave the site.

**RICHARD KLINGAMAN MOVED, SECONDED BY GORDON REED, TO APPROVE THE REQUEST FOR SITE PLAN APPROVAL FOR FILLING FOR THE CREATION OF A PARK AT WASHINGTON STREET (MAP 27, PART OF LOT 142), BATH IRON WORKS CORPORATION, APPLICANT WITH THE FOLLOWING CONDITIONS:**

**THAT A LETTER BE ISSUED BY THE CITY MANAGER FOR TEMPORARY ACCESS TO CITY PROPERTY FOR THE AGENTS OF BATH IRON WORKS FOR GRADING PURPOSES ON THE CITY'S PROPERTY;**

**THAT AN AMENDED SITE PLAN BE SUBMITTED TO THE PLANNING DIRECTOR SHOWING THE TREES TO BE PRESERVED ALONG WASHINGTON STREET; AND**

**THAT THE INFORMATION CONTAINED IN THE NOVEMBER 19, 2004 E-MAIL FROM BOB HERMAN TO JIM UPHAM BE INCLUDED AS PART OF THE APPROVAL.**

## **UNANIMOUS APPROVAL**

### **Item 2**

**Planning Board Discussion** – the proposed Subdivision Ordinance

Jim Upham presented the proposed subdivision ordinance and asked the Planning Board if they would like to hold a workshop to discuss this proposal or set it for public hearing.

The Planning Board discussed the need for a workshop to understand the basis and intent of the proposed subdivision ordinance and agreed to hold a workshop on December 21, 2004, at 5:00 p.m.

### **Item 3**

**Planning Board Discussion** – the proposed amendment to the Land Use Code; engineering services for review of site plans.

Jim Upham explained that the Public Works Director, who is a civil engineer, had been reviewing site plans for the Planning Board, but that his tasking by the City of Bath had increased and he was now unable to continue this review. Therefore, the proposed amendment would allow, when necessary, the hiring of an outside engineer to review site plans.

The Planning Board discussed the necessity of this amendment, the cost to the applicant, and undue burden. The Planning Board asked that the Planning Director to set this for public hearing on January 4, 2005.

## **Other Business**

### **Item 1**

Jane Morse, Sagadahoc Realty, stated that she was before the Planning Board to request an extension of the approval granted by the Planning Board for demolition of buildings on the lots defined by Front Street, Summer Street, Oak Street and Commercial Street or the so-called Prawer Lot. Ms. Morse explained that they have

been unable to complete this work due to a number of reasons and the approval had expired in November.

**JIM HARPER MADE A MOTION, SECONDED BY ROBIN HAYNES, NOTING THAT THIS IS THE FIRST REGULARLY SCHEDULED PLANNING BOARD MEETING SINCE THE APPROVAL EXPIRED AND MOVED TO APPROVE THE EXTENSION FOR THE DEMOLITION OF BUILDINGS ON THE PRAWER LOT FOR SAGADAHOCK REAL ESTATE ASSOCIATION.**

## **UNANIMOUS APPROVAL**

### **Item 2**

Jim Upham stated that the Department of Environmental Protection, the Attorney General, and the State Planning Office were all unsure how to interpret our Land Use Code and whether the Historic Overlay District, which allows Contract Rezoning, allows the Space and Bulk Regulations of the underlying district to be modified by the City Council by adoption of a Contract Zone. He said that the Maine Municipal Association has said that they believe it does not allow the underlying district's Space and Bulk Regulations to be modified. He told the Board that the Code should be amended to make it clear that the underlying district's Space and Bulk Regulations may be modified by this process. Mr. Upham stated that there are a couple of courses of action that may be taken

1. To change the language in the C1, C2, R1, R5 and Industrial Zone to make it clear that the Historic Overlay brings Contract Rezoning that may modify the underlying zone.
2. To change the language in Section 8.12 to make it clear that Historic Overlay brings Contract Rezoning that may modify the underlying zone.

Mr. Upham added that the second option is the most efficient option and would require an amendment to only one place of the Code.

The Planning Board discussed set backs, shoreland zoning and requested that this be set for public hearing on January 4, 2004.

There being no further business to come before the Board, **GORDON REED MOVED, SECONDED BY JIM HARPER, THAT THE MEETING BE ADJOURNED.**

## **UNANIMOUS APPROVAL**

### **APPROVAL**

The meeting was adjourned at 7:42 p.m.

Minutes prepared by Marsha Hinton, Recording Secretary.